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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,933	11/03/2003	Christopher J. Wright	06975-074002 / Security 0	5055
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FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/698,933	<b>Applicant(s)</b> WRIGHT ET AL.	
	<b>Examiner</b> Kristie D. Shingles	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/3/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/04-8/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

Claims 1-36 are pending examination.

### Claim Rejections - 35 USC § 103

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 1 - 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kumar et al* (US 6,757,836) in view of *Davis* (US 5,877,724).

a. Per claim 1, *Kumar et al* teach a method for securing an access provider, the method comprising:

monitoring communications with at least one access provider for a partially-completed connection transaction (*Abstract, col.5 lines 27-29, col.6 lines 10-26 and 44-54—detecting partial connectivity*); and

terminating the partially-completed connection transaction (*Figures 3, 4a and 4b, col.3 lines 18-24 and 35-43*).

Although *Kumar et al* teach terminating partial connectivity transactions, *Kumar et al* fail to explicitly teach terminating the partially-complete connection transaction when the partially-completed connection transaction remains in existence for a period of time that exceed a threshold period of time. However, *Davis* teaches terminating partial connections that have exceeded a period of time (*col.11 lines 17-25, col.12 lines 19-29*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Kumar et al* with *Davis* for the purpose of modifying the partial connectivity detection to further detect the amount of time the partial connectivity status has persisted and terminating the partial connection after a specific threshold in order to conserve the system's resources for other connections by releasing partial connections that waste the system's connectivity resources and diminishes the system's capabilities to connect to other devices.

b. **Claims 15 and 21** contain limitations that are substantially equivalent to claim 1 and are therefore rejected under the same basis.

c. **Per claim 2**, *Kumar et al* teach method as in claim 1, wherein the monitoring comprises: detecting partially-completed connection transactions initiated by an access requestor (*col.5 lines 27-29, col.6 lines 10-26 and 44-54*); yet *Kumar et al* fails to explicitly teach a period of time that exceeds a threshold period of time that a partially-completed connection transaction remains in existence. However *Davis* teaches measuring the period of time that a partially-completed connection transaction remains in existence (*col.11 lines 17-25, col.12 lines 19-29*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the apparatus for resolving partial connectivity of *Kumar et al* with *Davis* by having a period of time that exceeds a threshold period of time because this frees up the system to make and establish other connection attempts.

d. **Claims 11, 16, 22 and 31** are substantially equivalent to claim 2 and are therefore rejected under the same basis.

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e. **Per claim 3**, *Kumar et al* with *Davis* teach the method as in claim 2, *Davis* further teach the method wherein the monitoring further comprises comparing the period of time with the threshold period of time (*col.11 lines 17-25, col.12 lines 19-29*).

f. **Claim 23** is substantially equivalent to claim 3 and is therefore rejected under the same basis.

g. **Per claim 4**, *Kumar et al* with *Davis* teach the method as in claim 1, *Kumar et al* further teach the method wherein the monitoring comprises detecting partially-completed connection transactions (*Abstract, col.5 lines 27-29, col.6 lines 10-26 and 44-54*) that occur when an access requestor initiates a connection transaction and the access requestor subsequently fails to send a reply (*Figures 3, 4a and 4b, col.3 lines 18-24 and 35-43, col.8 line 40-col.9 line 39*).

h. **Claims 17 and 24** are substantially equivalent to claim 4 and are therefore rejected under the same basis.

i. **Per claim 5**, *Kumar et al* teach the method as in claim 4, wherein the monitoring comprises detecting partially-completed connection transactions (*Abstract, col.5 lines 27-29, col.6 lines 10-26 and 44-54*) that occur when an access requestor initiates a connection transaction based on a return address that differs from an actual return address of the access requestor (*Figures 3, 4a and 4b, col.3 lines 18-24 and 35-43*).

j. **Claims 18 and 25** are substantially equivalent to claim 5 and are therefore rejected under the same basis.

k. **Per claim 6**, *Kumar et al* teach the method as in claim 6, wherein the monitoring comprises detecting partially-completed connection transactions wherein the return address is an

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Internet protocol address that differs from the actual return address of the access requestor (*Abstract, col.3 lines 18-24 and 35-43, col.5 lines 27-29, col.6 lines 10-26 and 44-54*).

l. **Claim 26** is are substantially equivalent to claim 6 and is therefore rejected under the same basis.

m. **Per claim 7**, *Kumar et al* with *Davis* teach the method of claim 1, *Kumar et al* further teach the method wherein the monitoring comprises monitoring communications with the at least one access provider based on TCP communications for partially-completed connection transactions (*Figures 3, 4a and 4b, col.3 lines 18-24 and 35-43*).

n. **Claim 27** is are substantially equivalent to claim 7 and is therefore rejected under the same basis.

o. **Per claim 8**, *Kumar et al* teach the method of claim 7, wherein the monitoring comprises monitoring a process whereby an access requestor sends a SYN request and the at least one access provider sends a SYN acknowledgement (*col.3 lines 18-24 and 35-43, col.8 line 40-col.9 line 39*).

p. **Claims 19 and 28** are substantially equivalent to claim 8 and are therefore rejected under the same basis.

q. **Per claim 9**, *Kumar et al* with *Davis* teach the method of claim 1, *Kumar et al* further teach wherein the monitoring comprises monitoring communication with a plurality of access providers for partially-completed connection transactions (*col.5 lines 27-29, col.6 lines 10-26 and 44-54, col.7 lines 40-59*).

r. **Claim 29** is substantially equivalent to claim 9 and is therefore rejected under the same basis.

s. **Per claim 10**, *Kumar et al* with *Davis* teach the method of claim 1, *Kumar et al* further teach the method as in claim 1, wherein the terminating comprises resetting a communication port located on the at least one access provider (*col.5 lines 27-29, col.6 lines 10-26 and 44-62, col.8 line 40-col.9 line 39*).

t. **Claim 30** is substantially equivalent to claim 10 and is therefore rejected under the same basis.

u. **Per claim 12**, *Kumar et al* teach the method of claim 2, wherein the access requestor is a client and the access provider is a host such that the monitoring comprises detecting partially-completed connection transactions between at least one client and at least one host (*Figure 2a, col.5 lines 27-29, col.6 lines 10-26 and 44-62, col.8 lines 41-62*).

v. **Claims 20 and 32** are substantially equivalent to claim 12 and are therefore rejected under the same basis.

w. **Per claim 13**, *Kumar et al* teach the method of claim 2, wherein the access requestor is a client and the access provider is a host such that the monitoring comprises detecting partially-completed connection transactions between at least one client and a plurality of host (*Figure 2a, col.5 lines 27-29, col.6 lines 10-26 and 44-62, col.8 lines 41-62*).

x. **Claim 33** is substantially equivalent to claim 13 and is therefore rejected under the same basis.

y. **Per claim 14**, *Kumar et al* teach the method of claim 2, wherein the access requestor is a client and the access provider is a host such that the monitoring comprises detecting partially-completed connection transactions between a plurality of clients and at least one host (*Figure 2a, col.5 lines 27-29, col.6 lines 10-26 and 44-62, col.8 lines 41-62*).

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z. **Claim 34** is substantially equivalent to claim 14 and is therefore rejected under the same basis.

aa. **Per claim 36**, *Kumar et al* with *Davis* teach the system of claim 21, *Kumar et al* further teach the system wherein the monitoring component and the terminating component are included in a host computer system that receives communications from a switch (*col.5 lines 27-29, col.6 lines 10-62, col.8 lines 41-62, col.9 lines 11-29*).

### Conclusion

**III.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Basavaiah et al (6002851).

**IV.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



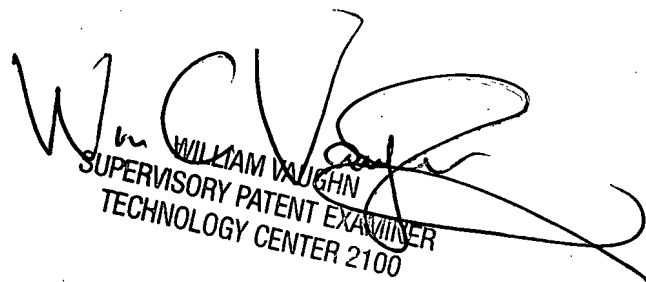
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***Kristie Shingles***

***Examiner***

***Art Unit 2141***

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